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C O N F I D E N T I A L DUBLIN 001068

SIPDIS

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TAGS: PREL PGOV PTER KCRM KJUS CO FI

SUBJECT: IRISH FM UNAWARE OF EXTRADITION DIFFICULTIES

REF: DUBLIN 1050

Classified By: DCM JONATHAN BENTON, FOR REASONS 1.4 (B), (D)

¶1. (C) Ambassador, DCM and poloff called on Irish Foreign Minister Dermot Ahern August 30 to further advance bilateral judicial cooperation. These issues were discussed during Senator Lugar's visit (reftel) and that of a DOJ team (septel). FM Ahern had asked for more information.

¶2. (C) FM Ahern, accompanied by Irish DFA Secretary General Dermot Gallagher, said that he is worried about the perceptions of how Ireland is handling extradition cases. He added that Ireland has always had difficult approving extradition requests to many countries, but expressed surprise at learning only recently that there were difficulties with the USG on this matter. He noted that, in general, the main opposition to extradition to the US comes from defendants, but admitted that Irish courts are also part of the problem. He relayed complaints from Irish government officials that the Irish judiciary is notorious for legislating from the courts on a variety of issues, including extradition. He agreed with the ambassador on the need to establish a precedent of a successful contested extradition and promised to meet with the Irish Attorney General, who should be receptive to better cooperation with the US DOJ.

¶3. (C) We explained to Ahern that we understood that the root of the problem was the judiciary's activist interpretation of Irish law, but noted that the practice of essentially re-trying every case under Irish rules went beyond normal practice among countries that adhere to the rule of law. We suggested that the Irish government's interest in protecting its people and those of other countries from dangerous criminals should be a factor. We added that the lack of progress on the extradition cases, coupled with the "Colombia Three" case in which three IRA-connected persons convicted in Colombia of helping the FARC will probably not be extradited, could leave a widespread and unhelpful impression in the U.S. and internationally that Ireland has become a haven for criminals and terrorists.

¶4. (C) Comment. The problem of extradition stands out in contrast to generally good cooperation we have with the Irish across the board, including in counterterrorism, transnational crime and other global issues, and bilaterally. The Irish Department of Justice has been engaged in this dialogue recently, and this was our chance to put it on the scope of the Foreign Minister. The problem for U.S. law enforcement remains a judicial philosophy on extraditions here that will make nearly every potential bilateral extradition case a very tough sell, and extradition of criminals or terrorists to third countries with less than stellar rule of law records nearly impossible.

KENNY